

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING HELD ON
WEDNESDAY, AUGUST 14, 2019 AT 4:30 P.M. IN THE CITY COUNCIL CHAMBERS**

MAYOR: Tonita Gurulé-Girón

COUNCILORS: David G. Romero
Barbara A. Casey
Vincent Howell
David A. Ulibarri, Jr.

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Danielle Sena, Recorder
Esther Garduno Montoya, City Attorney
Eric Padilla, Commander

CALL TO ORDER

Meeting was called to order at 4:30 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Howell asked for a moment of silence to protect the police officers in Philadelphia from the shooting incident and to keep the community safe and also to give the Governing Body the guidance to do the right thing.

Mayor Gurulé-Girón recognized and thanked State Auditor Brian Colon for being there.

APPROVAL OF AGENDA

Councilor Casey made a motion to approve the agenda as presented. Councilor Romero and Councilor Howell both seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
David A. Ulibarri, Jr.	Yes	Barbara Casey	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

PUBLIC INPUT

Amber Quintana spoke about being frustrated along with fellow Las Vegans to see their town literally crumbling around them. Ms. Quintana advised the water system is a complete mess, the roads and their government. Ms. Quintana advised she feels amazed when she reads about all the allegations that are circling the office of the Mayor and is there to witness the meltdowns that happen at City Hall. Ms. Quintana advised she is disgusted when she learned that contractors are being robbed of an opportunity to make their town great and keep it a livable place to be proud of and call home. Ms. Quintana advised she is appalled when she reads about kickbacks, bid rigging, collusion and racial abuse by the person who is supposed to be leading their town. Ms. Quintana advised she is inspired to see so many Las Vegans coming out asking questions and being critical with things that are happening. Ms. Quintana advised she hopes everyone shows up next week for the regular council meeting to voice their concerns because their local government has gotten too complacent in the idea that they are not going to ask questions or push back. Ms. Quintana urged everyone to keep participating, get more people involved, keep asking questions and keep bringing up the issues until they are unignorable.

Chris Armijo thanked the Governing Body for their consideration once they go through the budget and the negotiated item they have with the City of Las Vegas for AFSCME Local 2851. Mr. Armijo advised he is a staff representative out of AFSCME Council 18 out of Albuquerque. Mr. Armijo thanked the negotiating team for the City and advised things went smoothly and probably the quickest they've ever gotten a contract done. Mr. Armijo requested for the Council to look over a Souder Miller Associate contract to find out what the role is of Souder Miller to train their membership at WasteWater. Mr. Armijo advised there have been a couple of issues that have come out of that, one of their union members was assaulted by a supervisor and is a great concern to them.

Mr. Armijo advised they had IPRA requests done and some were incomplete and will follow up with more. Mr. Armijo advised in the best interest of the City of Las Vegas, that the discussion should be made as far as the role with Souder Miller and the training they are supposed to afford to their membership which they haven't. Mr. Armijo advised there has been a long brewing tempest that has been going on. Mr. Armijo advised it was brought to the attention of the Utilities Director and it hasn't been resolved and now it ended with the assault on their membership.

CONSENT AGENDA

1. Approval of Resolution No. 19-37, establishing the location of the Election Day polling places for the Municipal Officer Election conducted in 2020.

Councilor Howell made a motion to approve resolution No. 19-37, establishing the location of the Election Day polling places for the Municipal Officer Election conducted in 2020. Councilor Ulibarri, Jr., seconded the motion.

Resolution No. 19-37 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NUMBER 19-37**

A Resolution Establishing the Location of Election Day Polling Places for the Municipal Officer Election Conducted in 2020

WHEREAS, pursuant to the New Mexico Statutes Annotated 1978, Section 1-3-2 (2019) in June or July of each odd-numbered year, the Governing Body shall establish polling places and consolidate precincts; and

WHEREAS, the Governing Body of the City of Las Vegas finds that establishing polling places will not result in delays in the voting process, are centrally located along with the Early Voting location and meet the requirements of NMSA 1978, Section 1-3-4 (2019), and will be available to voters of all precincts in the City of Las Vegas to cast a vote at the designated polling place; and

WHEREAS, the Governing Body of the City of Las Vegas finds that the polling places provide individuals with physical mobility limitations unobstructed access to at least one voting machine; and

NOW, THEREFORE, BE IT RESOLVED that:

All precincts and portions of precincts that fall within the municipal boundaries of the City of Las Vegas shall be combined into two polling places.

The Governing Body of the City of Las Vegas designates the Election Day polling places (voting convenience center) for the Municipal Officer Election to be conducted on March 3, 2020 as follows:

Robertson High School Michael Marr Gymnasium
1238 4th Street
Las Vegas, NM 87701

West Las Vegas "Gillie Lopez" Gymnasium
157 Moreno Street
Las Vegas, NM 87701

Early Voting will be conducted in the office of the Municipal Clerk located at 1700 N. Grand Avenue, Las Vegas, NM 87701

PASSED, APPROVED, and ADOPTED this 14th day of August 2019.

Tonita Gurulé-Girón, Mayor

SEAL

ATTEST:

Cassandra Fresquez, City Clerk

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara Casey	Yes	David A. Ulibarri, Jr.	Yes
David G. Romero	Yes	Vincent Howell	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

BUSINESS ITEMS

1. Approval/Disapproval of Resolution #19-39 to approve the Final 2018-2019 DFA Financial Report for submission to DFA Local Government Division.

Interim Finance Director Tana Vega advised the Finance Department is seeking approval/disapproval of resolution #19-39 to approve the Final 2018-2019 DFA quarterly report.

Councilor Casey asked if it was regarding the local government budget management system report.

Interim Finance Director Vega advised yes.

Mayor Gurulé-Girón asked to explain on the actual recap the changes of revenue and actual increases.

Interim Finance Director Vega advised the changes are to the final budget as presented on July 26th and those changes do not affect the quarterly report.

Mayor Gurulé-Girón asked how it would affect the operating budget.

Discussion and questions took place regarding the 2020 budget and cash transfers that were made as far as operating transfers to various funds.

Councilor Casey advised it's always nice to see money coming in but had questions regarding changes to the expenditures with a decrease in the fire protection fund.

Interim Finance Director Vega advised under increases and decreases of beginning cash, the anticipated beginning cash on the preliminary was reduced to the final cash balance and did get an increase in their grant from the fire protection but had to reduce expenditures in order to balance that budget.

Councilor Casey asked if there was still a balanced budget due to increases and changes to the expenditures.

Interim Finance Director Vega advised they did have a balanced budget but had to decrease expenditures in the road and street projects because the actual cash balance was less than they anticipated in the preliminary.

Councilor Howell asked about municipal streets having an increase and where it came from.

Interim Finance Director Vega advised when preparing the preliminary budget the beginning cash balance has to be estimated due to other expenditures that occur in the month of June and since the preliminary budget has to be submitted by June 1st, they still have a month of total expenditures and the anticipated

expenditures that she expected to occur did not occur which left the additional cash balance.

Discussion and questions took place regarding what streets would be fixed, what road projects would be addressed, DOT monies used for those projects, repair of potholes and a decrease in lodger's tax.

Councilor Romero asked what percentage is DOT money under municipal streets.

Interim Finance Director Vega advised she would get back to him on that and most of the funds in 216 are coming from gasoline and GRT taxes.

Interim City Manager Ann Marie Gallegos advised there is funding for the Mountain View project, the Romero Street and Old National project and Legion Drive.

Discussion took place regarding the CDBG money and if the CDBG project is funded.

Councilor Howell asked where Souder Miller is budgeted and if it was included in the cash balance increase or decrease.

Interim Finance Director Vega advised they are budgeted in the WasteWater funds and on the chart of accounts its budgeted in the 610 funds and for the Water Treatment Plant is budgeted in the 640 funds.

Discussion took place regarding how much they were allotting to Souder Miller.

Utilities Director Maria Gilvarry advised the Souder Miller contract is on an as needed basis and for emergencies

Councilor Ulibarri, Jr., asked about a decrease in the road street projects and if those are streets they are working on or is it going to affect some of the streets.

Interim Finance Director Vega advised it could have been that some funding did not come in and anticipate receiving those funds in 2020.

Councilor Casey made a motion to approve Resolution #19-39 to approve the Final 2018-2019 DFA Financial Report for submission to DFA Local Government Division. Councilor Ulibarri, Jr., seconded the motion.

Resolution No. 19-39 was presented as follows:

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION NO. 19-39
FINAL 2018-2019 DFA REPORT**

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget for fiscal year 2018-2019; and

WHEREAS, the final quarterly report has been reviewed and approved to ensure the accuracy of the beginning balances used on the FY 2019-2020 Budget; and

WHEREAS, it is hereby certified that the contents in this report are true and correct to the best of our knowledge and that this report depicts all funds for fiscal year 2018-2019.

NOW THEREFORE, BE IT HEREBY RESOLVED that the governing body of the City of Las Vegas, State of New Mexico hereby approves the final quarterly report for FY 2018-2019 hereinafter described as Attachment and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

Resolved: In the Special Council Meeting this 14th day of August, 2019.

Tonita Gurule-Giron, Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Esther Garduno Montoya, City Attorney

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Barbara Casey	Yes
David G. Romero	Yes	David A. Ulibarri, Jr.	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

2. Approval/Disapproval of Resolution No. 19-40 to adopt the Final FY 2019-2020 Budget for the submission to DFA Local Government Division.

Interim Finance Director Tana Vega advised the Finance Department is requesting the approval/disapproval of resolution No. 19-40 for the City of Las Vegas final FY 2019-2020 Budget submission to DFA.

Discussion took place regarding if there were any economic factors impacting the budget, if there is enough money to cover loans or grants with matching funds, how much money was in the reserves, if there is money to cover a huge expenditure if something would happen, how sustainable are the revenues that they have and if they have enough money in the Capital budget to cover the projects in the ICIP.

Councilor Casey asked if there were any unanticipated expenses.

Interim Finance Director Vega advised they do need to start addressing City buildings that are in need of repairs.

Councilor Casey asked if there were any unanticipated revenue declines.

Interim Finance Director Vega advised no.

Discussion took place regarding Geo bonds for the Library and the contract for Souder Miller, the dollars they have allotted to them and if it is more than the contracted amount.

Councilor Romero asked about increasing the minimum wage pay for starting positions.

Interim City Manager Ann Marie Gallegos advised the regulation would be changing in January to go up to nine dollars and have set aside if Mayor and Council approve it the seventy five cents and also looking at people's experience and increasing pay based off a pay scale.

Councilor Ulibarri, Jr., asked if the recreation center had a decrease or increase.

Interim Finance Director Vega advised it was an increase in cash balance.

Councilor Howell advised there should be a discussion item to discuss the wages.

Interim Finance Director Vega advised they budgeted up to nine dollars and the Legislature increased health insurance and PERA increased for the employer so they had those additional costs and had to see how it would affect the final cash balances.

Councilor Howell advised the discussion he's talking about does not only include wages and salary but more of a comprehensive in discussing what they need.

Mayor Gurulé-Girón advised that was a great idea and have discussed previously that they would look at increasing the budget for a nine dollar increase.

Councilor Casey asked if what the Senior Center was awarded at the County Commission meeting was reflected in the budget or would come in as a budget adjustment.

Interim Finance Director advised it was budgeted in the preliminary and was anticipating it.

Councilor Romero asked about Souder Miller being there full time.

Utilities Director Maria Gilvarry advised they do have one Souder Miller employee at WasteWater who is there five days a week and other employees that go in as needed when they have issues or need training and are available.

Mayor Gurulé-Girón asked to explain why they have them on full time and the importance of the position.

Utilities Director Gilvarry advised Water and WasteWater are unique in the ability to run a Water and WasteWater plant falls under an operator certification program through the State and they are required to do permitting and have certified level IV operators at the plants through the State.

Utilities Director Gilvarry advised they do not have a level IV at the Water plant but the Souder Miller employee is a level IV and at the WasteWater plant one person holds a level IV and he's in the lab.

Utilities Director Gilvarry advised they had an inspection by the Environment Department and advised they needed multiple level IV's and couldn't operate with just one because if they get sick or on vacation, they must have a back-up.

Utilities Director Gilvarry advised they do have staff from Souder Miller who hold the State of New Mexico certifications that are authorized to operate the plants and clearly in the regulations for operators certification says, "if you do not hold a proper level you cannot make a process change, you must hold that level or be supervised by someone who holds that level."

Utilities Director Gilvarry advised that is a short summary generally speaking they cannot operate the plants without the proper certification and have multiple people with those certifications in case of illness, vacations or emergencies.

Discussion took place regarding the Souder Miller contract, other Souder Miller employees working at the plants and the duties of City employees.

Councilor Howell asked if Souder Miller is supposed to mentor City employees and get them prepared to be a level IV operator.

Utilities Director Gilvarry advised that is part of the job and the primary job is to keep the plant from failing and advised when Souder Miller first got there the plant was dead, they didn't have live bugs and was not processing at all.

Discussion took place regarding Souder Millers priorities to get the plant back proper conditions.

Councilor Casey asked if there is money in the budget to provide money for employees to get any specific training they may need.

Interim Finance Director Vega advised yes, each budget includes for employee training.

Councilor Casey asked if employees go to the trainings first then get reimbursed or do they get the classes paid for.

Interim Finance Director Vega advised registrations for training is paid for by the City and for expenses can choose to go per diem or actuals which is out of pocket and provide accounts payable with all the receipts that they expended.

Councilor Casey asked if they have to test for a certification at any time.

Interim Finance Director Vega advised its covered by the City under employee training under 7203 in the budget.

Discussion took place regarding a program in Sacramento that has a distance learning program to prepare students for Water and WasteWater level certifications.

Councilor Casey made a motion to approve Resolution No. 19-40 to adopt the Final FY 2019-2020 Budget for the submission to DFA Local Government Division. Councilor Howell and Councilor Ulibarri, Jr., both seconded the motion.

Resolution No. 19-40 was presented as follows:

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION NO. 19-40
2019-2020 FINAL BUDGET ADOPTION**

WHEREAS, the Governing Body in and for the Municipality of the City of Las Vegas, State of New Mexico has developed a Final Budget for fiscal year 2019-2020 , and

WHEREAS, said budget was developed on the basis of need and through cooperation with all department users, department supervisors, City Administration and elected officials, and

WHEREAS, the official meeting for the review of said documents was posted publicly on August 11, 2019 in compliance with the State Open Meetings Act, and

WHEREAS, it is the majority opinion of this governing body that the Final Budget meets the requirements as currently determined for fiscal year 2019-2020.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby adopts the budget hereinabove described and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

RESOLVED: In session this 14th day of August, 2019.

MUNICIPAL GOVERNING BODY
LAS VEGAS, NEW MEXICO

TONITA GURULE-GIRON, MAYOR

ATTEST:

CASANDRA FRESQUEZ, CITY CLERK

(SEAL)

APPROVED FOR LEGAL SUFFICIENCY:

ESTHER GARDUNO MONTOYA, CITY ATTORNEY

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

3. Approval/Disapproval of the American Federation of State, County and Municipal Employees (AFSCME) Local 2851 Agreement.

Utilities Director Gilvarry introduced AFSCME Council 18 representative Chris Armijo, Abraham Maestas and Michael Blaire and advised the negotiation took three weeks and made compromises on both sides and came up with a very good contract providing a pay raise for hard working staff members as well as four changes.

Utilities Director Gilvarry advised one change was on pg. 4, when making a call to their union representative it was five minutes and changed it to ten minutes to address any concerns they may have, the second change was on pg. 9, under the rest period they added if an employee is deemed unfit to perform duties and sent home said employee can choose unpaid leave or vacation leave, third change was the (.75) cent pay increase for AFSCME and non-bargaining members and the fourth one was on pg. 17, under increment pay/longevity was at (0.07) cents per year and changed to (0.13) cents per year.

Councilor Romero asked if the City was using Martinez and Associates to bargain.

AFSCME Council 18 representative Chris Armijo advised they did not use them this year and thinks they have enough staff on hand that are perfectly capable to manage negotiations.

AFSCME Council 18 representative Chris Armijo advised he appreciated the Council for taking it into consideration and recognizing the City's most valuable resources which are the employees.

Councilor Howell made a motion to approve the American Federation of State, County and Municipal Employees (AFSCME) Local 2851 Agreement. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
David G. Romero	Yes	Barbara Casey	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

4. Approval/Disapproval of a salary increase of seventy five cents (.75) to all non-union bargaining unit employees who have successfully completed a 6 month probationary period to include part-time employees with at least one year of continuous employment with the City of Las Vegas.

Interim Finance Director Vega advised the Finance Department along with Madam Interim City Manager would like to submit a formal request to approval/disapproval of a salary increase of seventy five cents (.75) for all non-union bargaining unit employees who have successfully completed a 6 month probationary period and this recommendation includes part-time employees with at least one year of continuous employment with the City.

Interim Finance Director Vega advised there are approximately 160 non-bargaining employees, the cost for those employees is including benefits would be two hundred fifty thousand, the cost would be distributed and shared between the General fund, Enterprise fund and Housing.

Interim Finance Director Vega advised the salary increase if approved by Mayor and Council would be effective the first full pay period thereafter.

Councilor Romero made a motion to approve a salary increase of seventy five cents (.75) to all non-union bargaining unit employees who have successfully completed a 6 month probationary period to include part-time employees with at least one year of continuous employment with the City of Las Vegas. Councilor

Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Barbara Casey	Yes
David A. Ulibarri, Jr.	Yes	David G. Romero	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

EXECUTIVE SESSION

Interim City Manager Ann Marie Gallegos advised there was no need for executive session.

ADJOURN

Councilor Ulibarri, Jr. made a motion to adjourn. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

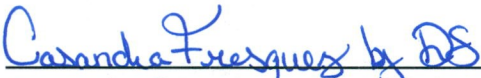
Vincent Howell	Yes	Barbara Casey	Yes
David G. Romero	Yes	David A. Ulibarri, Jr.	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.



Mayor Tonita Gurulé-Girón

ATTEST:



Casandra Fresquez, City Clerk